

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Michael Damon Rippo,

Case No. 2:07-cv-00507-APG-VCF

Petitioner,

v.

ORDER

William Gittere,¹ et al.,

Respondents.

Petitioner Michael Rippo has filed a motion to lift the stay in this capital habeas corpus proceeding. ECF No. 85. The case has been stayed since February 26, 2010 to allow Rippo to exhaust state court remedies. ECF No. 58. Rippo now reports that he entered a guilty plea agreement with the State of Nevada which resulted in an amended judgment of conviction being entered on November 10, 2020. He asks that the stay of this case be lifted and that he be allowed 60 days to inform the court of his intentions regarding this action in light of the amended judgment. The respondents do not object to the court lifting the stay with the understanding that they do not waive any defenses to Rippo's current or future habeas claims. ECF No. 87.

Because Rippo's state court proceedings have concluded and the respondents do not object, I will grant Rippo's motion.

¹ William Gittere is substituted as the warden respondent in this case. *See* Fed. R. Civ. P. 25(d).

1 I THEREFORE ORDER that Rippo's motion to lift stay **(ECF No. 85) is GRANTED.**

2 The Clerk is directed to reopen this case on the court's docket.

3 I FURTHER ORDER that, by February 22, 2021, Rippo shall file a memorandum
4 indicating how he intends to proceed in this case. The respondents will then have 20 days to file
5 a response.

6 DATED THIS 21st day of December, 2020.

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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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